

(400)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 199/95

DATE OF ORDER : 31-10-1997.

Between :-

S.S. Bajee

... Applicant

And

1. Superintendent of Post Offices,
Tadepalligudem Division,
Tadepalligudem-534101.

2. Post Master General,
Vijayawada.

3. Chief Post Master General,
AP Circle, Hyderabad.

... Respondents

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Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri N.V. Raghava Reddy, CGSC

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CORAM:

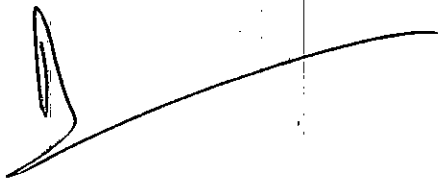
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R. Rangarajan, Member (A)).

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... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri S.Ramakrishna Rao, counsel for the applicant and Sri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant in this OA completed 26 years of service in the basic cadre on 7-11-87. Thus he became eligible for promotion under the BCR Scheme with effect from 1-10-91 when this scheme was introduced. The applicant's case was considered for promotion in that scheme by the DPC right from the beginning after the introduction of that scheme. But the applicant was not found eligible and he was promoted only with effect from 1-7-95. The applicant submits that the rejection of his case for promotion under the BCR Scheme by the DPC met in the earlier years failed to recognise the merits of his case and because of that he could not be empanelled.

3. The applicant submitted representation to the concerned authorities but as there was no reply to that, he had filed OA 715/93 on the file of this Bench, which was decided on 5-7-93. As per that judgement, the respondents were directed to examine the representation of the applicant and dispose it of by means of a reasoned order. Liberty was given to the applicant if he is aggrieved by that reply.

4. The representation of the applicant was disposed of by the impugned order No.B-5/BCR/II dt.30-12-94 (Annexure-VIII ; page-23 to the OA).

5. This OA is filed praying for a direction to Respondent No.3 to promote the applicant to BCR (HSG-II) with effect from 1-10-91 i.e.

the date he was due.

- 3 -

6. A reply has been filed in this OA. The ^{sum} same and substances of the reply is that the case of the applicant was considered taking due note of the CRs for the earlier five years and on that basis he was not found fit for promotion. Hence ~~his~~ promotion was denied to him.


7. The ^{re} whole question involves round the DPC proceedings and to decide whether the proceedings were finalised ^{properly} ~~report~~ or not. Normally the Tribunal will not sit on the judgement of the DPC proceedings. However, if the DPC proceedings are not made with proper care and taking ~~into~~ ^{all} points into consideration, the Tribunal has got full ~~connection~~ with the case of the employee who approaches this Tribunal.

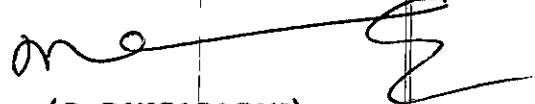
8. In view of the above, we have perused the DPC proceedings held on 17-12-91. In that proceedings, we find that the applicant was not recommended under the BCR Scheme for promotion though he has completed 26 years of service. No reason has been given for not recommending his case by the DPC. Hence we are unable to come to the conclusion that the rejection of the applicant's case is correct or not. We have called for the Confidential Reports of the applicant for the five years earlier to the meeting of the DPC. Confidential Reports of the applicant for the year 1987-88 to 1990-91 were produced. We have gone through the records. We find that the applicant was ~~not~~ rated as "Good" for the 3 years from 1988-89, 1989-90 and 1990-91 and in the earlier two years the confidential reports are vague. We are unable to come to the decision in regard to the ratings on perusal of these records.

9. The learned counsel for the respondents submits that the applicant was censured and that has been recorded in the CRs of 1990-91 and 1988-89. Further the applicant was punished with stoppage of increment for two years with cumulative effect, which has been recorded in the CRs of 1987-88. It is not known whether these remarks will stand in the way of the applicant for getting promotion, which were given by 31-10-89. Whether these remarks stand in the way of the applicant to get promotion or not was not indicated in the DPC proceedings ^{as} but we do not find ^{proceedings of} no such remarks in the DPC proceedings. ^{so far it concerns the applicant} In view of the above, the DPC should be reviewed and decide the case of the applicant afresh in regard to the promotion with effect from 1-10-91.

10. Respondent No.3 is hereby directed to review the case of the applicant for promotion under BCR scheme, which ^{was} introduced with effect from 1-10-91 and advise the applicant as early as possible. (DPC records produced by the respondents were perused and returned back)

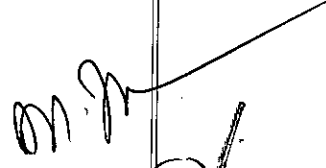
11. OA is ordered accordingly. No order as to costs.



(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

31.10.97

Dated: 31st October, 1997.
Dictated in Open Court.


D-R (J)

avl/


OA.199/95

Copy to:-

1. The Superintendent of Post Offices, Tadepalligudem Division, Tadepalligudem.
2. The Post Master General, Vijayawada.
3. The Chief Post Master General, A.P. Circle, Hyderabad.
4. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.V.Raghava Reddy, CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

10/11/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 31/10/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO. 199/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

